

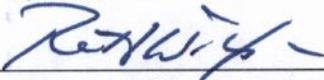


To the Honorable Council
City of Norfolk, Virginia

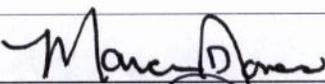
May 24, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Zoning text amendment to section 2-3, "Definitions," of the Zoning Ordinance to amend the definition of "Sign" to ensure compliance with recent court rulings and Constitutional requirements**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-5**

I. **Staff Recommendation:** Approval.

II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** The request would amend the definition of "Sign" within the City's *Zoning Ordinance*, to remove parts of the definition to ensure compliance with recent court rulings.

IV. **Applicant:** City Planning Commission

V. **Description:**

- The Fourth Circuit Court on January 29, 2016, on remand from the Supreme Court of the United States, re-heard the Central Radio case against the City of Norfolk regarding signage.
- The Fourth Circuit found that the previous definition of a "sign" as contained in the City of Norfolk *Zoning Ordinance* was unconstitutional.
- The definition of sign was carried forward into the new sign code that was adopted in 2015.
- In order to avoid conflicts with court decisions, portions of the definition will be removed to condense and simplify the definition of sign.
- What constitutes a sign will continue to be interpreted based on the definition and on a case by case basis.

VI. **Historic Resources Impacts**
N/A

VII. **Public Schools Impacts**
N/A

Staff point of contact: Robert Tajan at 664-4756, Robert.Tajan@norfolk.gov

Attachments:

- Staff Report to CPC dated April 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

None

Opponents

None

Planning Commission Public Hearing: April 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *2mw*

Planner: Robert J. Tajan, AICP, CFM *RJT*

Staff Report	Item No. 4
Applicant	City Planning Commission
Request	Zoning Text Amendment Zoning text amendment to section 2-3, "Definitions," of the <i>Zoning Ordinance</i> to amend the definition of "Sign" to ensure compliance with recent court rulings and Constitutional requirements.

A. Summary of Request

The request would amend the definition of "Sign" within the City's *Zoning Ordinance*, to remove parts of the definition to ensure compliance with recent court rulings.

B. Plan Consistency

The proposed text amendment does not include any changes that are inconsistent with the policies of *plaNorfolk2030*.

C. Zoning Analysis

- The Fourth Circuit Court on January 29, 2016, on remand from the Supreme Court of the United States, re-heard the Central Radio case against the City of Norfolk regarding signage.
- The Fourth Circuit found that the previous definition of a "sign" as contained in the City of Norfolk *Zoning Ordinance* was unconstitutional.
- The definition of sign was carried forward into the new sign code that was adopted in 2015.
- In order to avoid conflicts with court decisions, portions of the definition will be removed to condense and simplify the definition of sign.
- What constitutes a sign will continue to be interpreted based on the definition and on a case by case basis.

D. Transportation Impacts

N/A

E. Historic Resources Impacts

N/A

F. Public Schools Impacts

N/A

G. Environmental Impacts

N/A

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

N/A

J. Payment of Taxes

N/A

K. Civic League

N/A

L. Communication Outreach/Notification

Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

M. Recommendation

Staff recommends that the text amendment request be **approved**.

Attachments:

Proposed text

04/22/2016 lds

Form and Correctness Approved:

Contents Approved:

By

Office of the City Attorney

By

DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND SECTION 2-3 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO REMOVE REFERENCES TO CERTAIN FLAGS AND WORKS OF ART.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 2-3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Definitions," is hereby amended and reordained so as to alter the definition for "Sign" by removing references to certain flags and works of art in order to maintain consistency with new interpretations of how to correctly apply the free speech clause of the First Amendment to sign regulations. The definition shall read as forth in "Exhibit A," attached hereto.

Section 2:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)

Exhibit A

2-3 Definitions.

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Sign. Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images.

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